

10/645,297

P-5687-C1-C1

REMARKS

Reconsideration of the application and entry of the following Amendment are respectfully requested. Claims 1 to 18 are currently pending, claims 1 and 11 have been amended, and claim 8 has been canceled.

The Office Action mailed March 25, 2004 addressed claims 1 to 18. Claims 1 to 18 were rejected.

Claims 11 to 18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that regarding claim 11, the location of the interior layer is not clear since applicant claims the inner cover layer is molded on the core.

Applicants respectfully submit that claims 11 to 18 are not indefinite, but in an effort to hasten prosecution, claim 11 has been amended to more clearly define the invention. Applicants respectfully submit that this overcomes the rejection of claims 11 to 18 under 35 U.S.C. § 112, second paragraph. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection.

Claims 1 to 3 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Takemura et al. Claims 1 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shimosaka et al. claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemura et al. in view of Nesbitt (4,431,193).

Although Applicants respectfully disagree with the rejections, claim 1 has been amended to incorporate the limitation of claim 8, which was not rejected, and claim 8 has been canceled. Applicants respectfully submit that claims 1 to 7 are therefore allowable.

For at least these reasons, Applicants respectfully submit that claims 1 to 3 and 5 are not anticipated under 35 U.S.C. § 102(e) by Takemura et al.; claims 1 and 4 are not anticipated under 35 U.S.C. § 102(e) by Shimosaka et al.; and claims 6 and 7 are not unpatentable under 35 U.S.C. § 103(a) over Takemura et al. in view of Nesbitt. Applicants therefore respectfully request that the rejections be reconsidered and withdrawn.

Claims 9 and 17 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 and 22 prior U.S. Patent No. 6,159,110.

10/645,297

P-5687-C1-C1

Although Applicants respectfully disagree, in an effort to hasten prosecution, claims 9 and 17 have been amended to depend from claims 6 and 12 respectively. Applicants respectfully submit that this overcomes the rejection.

Claims 1 to 8, 10 to 16 and 18 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 9 and 22 to 28 of U.S. Patent No. 6,159,110. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants will submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490, once the remaining rejections have been overcome. Applicants respectfully submit that this will overcome the rejection.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of the presently rejected claims, claims 1 to 18. Applicants respectfully request allowance of claims 1 to 7 and 9 to 18, the claims currently pending.

Respectfully submitted,

MICHAEL J. SULLIVAN ET AL.

Customer No. 24492
Phone (413) 322-2937

Date: June 25, 2004

Cc: Richard M. Klein, Esq. (SLD 2 0108-1-1)

By: Michelle Bugbee
Michelle Bugbee, Reg.No. 42,370
The Top-Flite Golf Company
A wholly-owned subsidiary of Callaway Golf Company
Attorney for Applicants
425 Meadow Street
P.O. Box 901
Chicopee, MA 01021-0901